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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,196	11/30/2000	Ivan Chow	IDF 1422 (4000-00400)	3598

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EXAMINER

ANYA, CHARLES E

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 10/17/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/728,196

Applicant(s) *PPE*

CHOW ET AL.

Examiner

Charles E Anya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ni et al. (Trading Cooperation to Enable Object Sharing among Users of Homogenous Distributed Systems pages 1 – 16) in view of U.S. Pat. No. 6,085,188 to Bachmann et al.

As to claim 1, Ni teaches a Trader Service ("Trading..." page 1 lines 27 – 39, page 2 lines 1 – 11), creating a trader service ("...trading service..." page 2 lines 1 – 11), the trader service arranged to store persistent information ("Trading Databases" page 5 lines 11 – 29), Storage Mechanism (RHODOS Databases page 5 lines 21 – 29). Bachmann teaches a Directory Service ("...directory service..." Col. 4 Ln. 22 – 44). It would have been obvious to apply the teaching of Bachmann to the system of Ni. One would have been motivated make such a modification to free the LDAP Server from managing the physical data storage and allowing the LDAP Server to retrieve information from multiple databases (Col. 4 Ln. 41 – 44).

Claims 2,3,5 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ni et al. (Trader Cooperation to Enable Object Sharing among Users of

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Homogenous Distributed Systems pages 1 – 16) in view of U.S. Pat. No. 6,085,188 to Bachmann et al. as applied to claim 1 above, and further in view of U.S. Pat. No. 2003/0067912 A1 to Mead et al.

As to claim 2, Ni as modified in claim 1 is silent with reference to LDAP Version 2.

Mead teaches LDAP Version 2 (LDAP v2 page 12 Ln 1 – 22). It would have been obvious to apply the teaching of Mead to the system of Ni as modified. One would have been motivated to make such modification to provide an easy way of retrieving and managing stored data (page 12 Ln. 18 – 22).

As to claim 3, claim 2 covers claim 3 except for a data store interface. Bachmann teaches a Data Store Interface (LDAP API Col. 4 Ln. 5 – 21).

As to claim 5, see the rejection of claims 1 and 3.

As to claim 6, claims 1 and 3 covers claim 5 except for a processor. Ni inherently provides a processor because the distributed trading system includes instructions/program that need to be executed on a processor.

As to claim 7, see the rejection of claims 1,2 and 3.

As to claim 8, claims 1,2 and 3 covers claim 8 except for a computer readable medium.

Ni inherently provides a computer readable medium because the distributed trading system includes instructions/program that are storable in a computer readable medium.

As to claim 9, see the rejection of claims 1,2 and 3.

As to claim 10, although a carrier wave is not explicitly taught Ni teaches communication between trading servers that are distributed. This communication would inherently include media that carry signal wave, for example telephone lines.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ni et al. (Trader Cooperation to Enable Object Sharing among Users of Homogenous Distributed Systems pages 1 – 16) in view of U.S. Pat. No. 6,085,188 to Bachmann et al. and in further view of U.S. Pat. No. 2003/0067912 A1 to Mead et al. as applied to claim 3 above, and further in view of Craske et al (A Property-based Clustered Approach for the CORBA Trading Service pages 1 – 9).

As to claim 4, Ni as modified is silent with reference to the trader service being CORBA Costrader Specification complaint.

Craske teaches a trader service that is CORBA Costrader Specification complaint (CORBA Trading Service page 1 paragraph 1 lines 25 – 39). It would have been obvious to apply the teaching of Craske to the system of Ni as modified. One would have been motivated to make such a modification to allow CORBA clients to discover previously unknown services (page 1 paragraph 1 lines 25 – 29).

Response to Arguments

2. Applicant's arguments filed 8/8/03 have been fully considered but they are not persuasive.

3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "whether the service type and interface associations persist past the shut down of the service such that upon restart the offer space is rebuilt without any loss of information" and a directory service that uses object oriented information model rather than relational data model) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

Also of note is the fact that storage/information persistence involves providing a storage medium that is not volatile i.e. providing a storage medium that does not lose data when the system is shutdown. It would be fare to say that the database of the prior art references meets this requirement.

Applicant also argues that the Bachmann prior art reference does not disclose its directory service as storage mechanism for providing trading services in a distributed environment.

Although Bachmann may have not disclosed its directory service as storage mechanism for providing trading services in a distributed environment, the Ni prior art reference discloses that its trading service supports directory service (page 15 section 15) and as result giving credence to the idea of using the trading service of Ni in conjunction with the directory service of Bachmann.

Conclusion

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4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Anya whose telephone number is (703) 305-3411. The examiner can normally be reached on M-F (8:30-5:30) First Friday off.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



JOHN FOLLANSBEE
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Charles E Anya
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Art Unit 2126